EXHIBIT 1

II	Case 4:20-cv-03919-CW	Document 367-1	Filed 09/29/23	Page 2 of 49
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19	IN RE COLLEGE ATHLETE LITIGATION	E NIL	Case No. 4:20-cv	-03919-CW
20				N OF SCOTT BEARBY OF JOINT OMNIBUS
21			MOTION TO S	
22				25-01-27
23			Judge: Hon. Clau	dia wiiken
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	DECLARATION OF SCOTT BEARBY	IN SUPPORT OF JOINT		Case No. 4:20-cv-03919-CW

I, Scott Bearby, declare that the following is true:

- 1. I am the Senior Vice President of Legal Affairs and General Counsel of the National Collegiate Athletic Association ("NCAA"). I make this declaration of my own personal knowledge and, if called on to do so, could testify competently to the facts stated herein under oath.
- 2. I make his declaration in support of the parties' Joint Administrative Motion to Seal filed on September 15, 2023 (ECF No. 318). I submit this declaration pursuant to the Stipulation and Order as Modified Modifying Sealing Procedures Relating to Class Certification Briefing and Related Documents (ECF No. 207) and Civil Local Rule 79-5, *et seq.*, for the United States District Court for the Northern District of California.
- 3. I joined the NCAA in January 1999 and, after serving in various legal positions at the national office, I was named Vice President of Legal Affairs and General Counsel in August 2016 and was later promoted to Senior Vice President of Legal Affairs and General Counsel. I oversee the office of legal affairs, hearing operations and government affairs. The office of legal affairs handles a number of legal responsibilities across the NCAA, including managing litigation involving the national office, and supporting the NCAA's governance and sport committees, 90 championships, and national office staff in assisting the membership and student-athletes.
- 4. From my various roles at the NCAA, I have become intimately familiar with the NCAA's business, strategy, and finances. I have detailed knowledge of the NCAA's revenue streams and the contracts from which the NCAA derives that revenue. As a result, I am well-apprised of the terms and conditions embodied in the NCAA's broadcast media agreements and its other commercial contracts, including how these contracts fit into the NCAA's business more broadly and its strategic objectives. I also have knowledge of the NCAA's financial information, as well as membership financial reporting requirements through the NCAA Membership Financial

Reporting System ("MFRS"). Furthermore, I am aware of the measures the NCAA has taken to maintain the confidentiality of its sensitive, competitive, or proprietary information.

- 5. I understand that a party seeking to file a document under seal must "establish that a document, or portions thereof, are sealable." Civil L.R.79-5(c). In connection with class certification motions, I understand that courts generally require a designating party to demonstrate that "compelling reasons" exist to protect the information from being disclosed. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2009); *Integrity Message Boards.com v. Facebook, Inc.*, No. 18-cv-05286-PJH, 2021 WL 3771785, at *21 (N.D. Cal. Aug. 24, 2021).
- 6. The NCAA considers certain information included in the parties' various filings in support of and in opposition to the Plaintiffs' motion for class certification and related expert materials to be confidential, proprietary, and competitively sensitive information belonging to the NCAA. The NCAA therefore requests that the portions of the parties' filings containing the NCAA's confidential information, set forth in detail in Exhibit 1 to this Declaration, be maintained and filed under seal.
- 7. The information that the NCAA is requesting that the Court maintain and file under seal is narrowly tailored and redacted, and the NCAA can demonstrate that compelling reasons exist to maintain these narrowly tailored redactions under seal. The information that the NCAA seeks to seal generally falls into the following categories:
 - a. Confidential, competitively sensitive terms and provisions of the NCAA's
 broadcast media agreements, which are highly negotiated and, to the best of my
 knowledge, unique to the NCAA;
 - b. Confidential, competitively sensitive terms and provisions of the NCAA's actual or potential contractual relationships with third-party commercial entities, such as

licensing and sponsorship agreements, which are highly negotiated and, to the best of my knowledge, unique to the NCAA; and

- c. Confidential, competitively sensitive business and financial information, including financial statements, that would harm the NCAA and/or its membership if made publicly available.
- 8. I understand that the NCAA's broadcast media agreements produced in this case are subject to confidentiality protections through the Stipulated Protective Order (ECF No. 137), as supplemented and amended (ECF No.148) (together, the "Protective Order"), entered in this case and have been designated "Network Strictly Confidential—Outside Litigation Counsel Only" pursuant to that Protective Order to preserve their confidentiality.
- 9. I further understand that the NCAA's highly confidential financial documents, including annual audited financial statements, produced in this case are similarly subject to confidentiality protections through the Protective Order and have been designated "Highly Confidential Financial Information" pursuant to that Protective Order, again to preserve their confidentiality.
- 10. The NCAA does not publish or share this type of financial information publicly, and documents containing information concerning the NCAA's finances are kept strictly confidential. The NCAA limits access even within the Association to employees who have a legitimate need for it. Employees who are permitted to access this information are well aware that it is non-public and are instructed to maintain confidentiality.
- 11. The NCAA annually collects certain financial information from member schools detailing operating revenues, expenses and capital relating to the intercollegiate athletics program. The NCAA maintains a policy of not releasing information submitted by individual institutions; only the aggregate results by NCAA division will be released. I am aware that in the course of this litigation the NCAA has produced the MFRS data for numerous member schools over a multi-year period. The

class certification filings in this litigation frequently rely on this data, as noted in Exhibit 1. Release of this would be harmful to the NCAA and its member institutions by disclosing highly sensitive information about how an institution generates revenue and allocates it, which is why this MFRS data has been deemed Highly Confidential NCAA Member Financial Data only by the Protective Order. This highly detailed financial information is protected and unique to each institution. Publicly revealing such data could impact the competitive standing of member institutions and would have a host of consequences for many colleges and universities, as well as for the NCAA, in future contract negotiations and for efforts to maintain a competitive edge in the higher education market and in the realm of intercollegiate athletics.

- 12. The NCAA would be harmed if this, or any, highly confidential financial information is revealed. Public access to this detailed financial information could allow reverse engineering of the financial terms and conditions in the NCAA's broadcast media agreements, commercial and licensing contracts, and proposed contracts, which are highly confidential and proprietary, and extensively negotiated. They reflect, among other things, provisions concerning the rights fees to be paid (including the terms and timing of such payments), the rights to be licensed, ownership of copyrights to broadcasts, and distribution of the broadcasts, all of which are highly negotiated. The revelation of these terms would put the NCAA at a competitive disadvantage in negotiating future broadcast agreements and other contracts by exposing what the NCAA had agreed to previously, thereby compromising the NCAA's ability to bargain in connection with similar terms in subsequent negotiations. The NCAA's highly confidential financial information is therefore properly the subject of sealing.
- 13. The limited redactions proposed above, and in Exhibit 1 and the Proposed Order, are narrowly tailored and seek to seal only highly confidential and sensitive information, the public disclosure of which would harm the NCAA and its members. Indeed, in some instances, the NCAA has determined that information filed provisionally under seal by the parties ultimately did not contain any information that the NCAA seeks to maintain under seal, and the NCAA is not seeking to maintain such information under seal now. As indicated in Exhibit 1 below, the NCAA agrees that such information may be filed in the public record. For that limited information which the NCAA seeks to

maintain under seal, the NCAA is of the view that such highly confidential and sensitive information could not be protected by any less restrictive alternative than sealing.

14. For the reasons set forth above and in Exhibit 1, the NCAA respectfully requests that the Court seal the information identified in Exhibit 1 to this Declaration and in the Proposed Order submitted with the sealing motion.

I declare under penalty of perjury under the laws of the United States of America and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 29th day of September 2023 at Indianapolis, Indiana.

Respectfully Submitted,

By: /s/ Scott Bearby
Scott Bearby

Senior Vice President and General Counsel, NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

BEARBY EXHIBIT 1

Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
		Plaintiffs	s' Class Cert Mtn ECF 208	
5	p. 5, n. 9	NSC	Quote from Mark Lewis testimony in Alston.	Involves confidential business communications
6	p. 5 n. 11	Confidential	Statements regarding NIL made to the NCAA by two of its member conferences.	Involves confidential business communications between the NCAA and its member conferences.
7	p. 6:18	Confidential	"the current legal and legislative environment prevents a permanent solution at this time." Ex. 18	Involves confidential business communications
12	p. 10:14- 17	Confidential	Quotes from a letter written to the NCAA by EA Sports in 2019.	Reveals confidential business communications related to the potential licensing of college sports video games.
18	p. 12:16	Highly Confidential - Counsel Only	Data compiled by Plaintiffs' expert witness Daniel A. Rascher regarding NIL activity since July 1, 2021, when the Interim NIL Policy became effective.	This contains information that, when combined with publicly available information, could be used to generate confidential financial information that could be used to the detriment of the NCAA in future negotiations with its current

1	D 1				
2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					business partners.
4	20, 21	p. 14:15-	Confidential	Confidential communications regarding	Involves
5		21, n. 40		merchandizing	confidential business
6					communications
7	22	p. 15:7- 12	Confidential	Quoting NCAA's Supplemental Responses and Objections to Plaintiffs'	Involves confidential
8				First Interrogatories	business
9	23	p. 16, n.	Confidential	to all Defendants Results of a survey commissioned by	communications Involves
10		48		the NCAA and performed by Bully Pulpit regarding public opinion about	confidential business
11				paying student-athletes.	communications
12					between the NCAA and its
13					business partners and the results of
14					confidential
15					NCAA- commissioned
16					surveys and reports.
17	30	p. 32:9	Highly	Information developed by Plaintiffs'	This contains
18			Confidential - Counsel Only	expert witness Daniel A. Rascher regarding the interest of EA Sports in	information that, when combined
19				including FBS schools in its college football video games.	with publicly available
20				Toolean video gamesi	information,
21					could be used to generate
22					confidential financial
23					information that
24					could be used to the detriment of
25					the NCAA in future
26					negotiations
					with its current and future
27					business partners.
28		<u>ı</u>		I	position.

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3 4	33	p. 32:22- 23	Highly Confidential - Counsel Only	Information developed by Plaintiffs' expert witness Daniel A. Rascher regarding the method by which EA	This contains information about sales and
5			counsel only	Sports would make payments to student-athletes for their inclusion in	licensing revenue that
6				EA Sports' college football video games.	could be used to the detriment of
7					the NCAA in future
8					negotiations with its current
0					and future business
11					partners.
12			Be	rman Dec ECF 208-1	
13	39	Ex. 10	NSC	Contains excerpts from 30(b)(6) Deposition Transcript of Mark A.	Concerns a term of current,
14				Lewis, taken on Jan. 31, 2017, In re	expired, and
15				Nat'l Collegiate Athletic Ass'n Grant-in-	future media,
				Aid Cap Antitrust Litig., No. 4:14-md-02541-CW (N.D. Cal.)	network, and/or broadcasting
16				, ,	contracts
17	41	Ex. 12	Confidential	Letter written to the NCAA Board of Governors by one of its member	Involves confidential
18				conferences with recommendations	business
19				about how to address NCAA NIL	communications
9				legislation.	between the NCAA and its
20					member
21	42	F 12	C (*1 1		conferences.
22	42	Ex. 13	Confidential	Letter written to the NCAA Board of Governors by one of its member	Involves confidential
				conferences with recommendations	business
23				about how to address NCAA NIL	communications
24				legislation.	between the NCAA and its
25					member
26	43	Ex. 18	Confidential	Document entitled "Quick Guide to	conferences. Involves
	73	LA. 10	Commutation	New NCAA Interim Policy" provided	confidential
27				by the NCAA to its member schools and	business
28				conferences to provide guidance on how	communications
				to apply and enforce the policy.	between the

Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
				NCAA and its member conferences.
46	Ex. 26	Confidential	August 30, 2019, letter to the NCAA Board of Governors from EA Sports	Reveals confidential
			providing requested information on the	business
			topic of compensation to student- athletes for the use of their NIL in	communication related to the
			college sports video games.	potential
				licensing of college sports
				video games, including
				information
				from which values can be
				estimated.
51	Ex. 38	Confidential	August 30, 2019, letter to the NCAA Board of Governors from Fanatics	Reveals confidential
			providing requested information on the	business
			topic of compensation to student- athletes for the use of their NIL in sports	communication related to the
			licensed consumer products.	potential
			-	licensing of
				college sports consumer
				products,
				including information
				from which
				values can be estimated.
52	Ex. 39	Confidential	Defendant NCAA's Supplemental	Exhibit 1
			Responses and Objections to Plaintiffs'	involves
			First Set of Interrogatories to All Defendants (including exhibits).	confidential business
				communication
				between the NCAA and its
				member
53	Ex. 45	Confidential	Pagulta of a guryay commissioned by	conferences. Involves
33	EX. 43	Commuential	Results of a survey commissioned by the NCAA and performed by Bully	confidential
			Pulpit regarding public opinion about	business

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					between the NCAA and its
4					business partners
5					and the results of confidential
					NCAA-
6					commissioned
7					surveys and reports.
8					
9			Rasc	cher Report ECF 209-2	
10	63	p. 29¶55	Confidential	Statements about the NCAA's alleged	Reveals
11				licensing of its intellectual property to EA Sports and Take-Two Interactive,	confidential business
12				with reference to the volume of sales.	communications
					related to the potential
13					licensing of
14					college sports
15					video games, including
16					information
					from which values can be
17					estimated.
18	64	p. 29 n. 57	Confidential	Statements about the NCAA's alleged licensing of its intellectual property to	Reveals confidential
19		37		EA Sports and Take-Two Interactive,	business
20				with reference to the volume of sales.	communications related to the
21					potential
					licensing of
22					college sports video games,
23					including
24					information from which
25					values can be
26	68	p. 30 n.	Highly	Footnote from redacted text.	estimated. Substance of
		60 ft.	Confidential -	Toomote from feducied text.	redacted
27			Counsel Only		information can be derived from
28					its footnotes.

1	Ex. 1 Entry	Page/Line	Confidentiality	Description	Reason for
2	Number	I wge/ Zime	Level	2 0.01 p 0.01	Sealing
3	69	p. 31 ¶ 59	Confidential	Information regarding the method by which EA Sports would make payments to student-athletes for their inclusion in	This contains information about sales and
5				EA college football video games.	licensing revenue that
6					could be used to the detriment of
7					the NCAA in future
8					negotiations with its current
9					and future business
	71	20 5 50	C (*1 .*1	T.C 11	partners.
11	71	p. 32 ¶ 59	Confidential	Information regarding the method by	This contains information
12				which EA Sports would make payments to student-athletes for their inclusion in	about sales and
13				EA college football video games.	licensing
					revenue that could be used to
14					the detriment of
15					the NCAA in
16					future
					negotiations with its current
17					and future
18					business
1.0	7.6	22	G 61 11	0 1 2 20 2010 1 1	partners.
19	76	p. 32 n. 64	Confidential	Quotation from August 30, 2019, letter to the NCAA Board of Governors from	Involves confidential
20		04		EA Sports providing requested	business
2.1				information on the topic of	communications
21				compensation to student-athletes for the	between the
22				use of their NIL in college sports video	NCAA and its
				games.	business
23		_			partners.
24	77	p. 32 n.	Confidential	Footnote from redacted text.	Substance of
- '		65			redacted information can
25					be derived from
26					its footnotes.
20	94	p. 59¶	Confidential	Reveals business-related	Involves
27		125		communications between EA Sports and	confidential
20				the NCAA regarding college football	business
28				and men's basketball video games.	communications

1	Ex. 1				
2	Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					between the NCAA and its
4					business
5	95	p. 59 n.	Confidential	Footnote from redacted text.	partners. Substance of
6	73	127	Commentar	Toomote from reducted text.	redacted
7					information can be derived from
					its footnotes.
8	96	p. 59 n. 128	Confidential	Footnote from redacted text.	Substance of redacted
9		120			information can
10					be derived from its footnotes.
11	103	p. 61 ¶	Confidential	Reveals business-related	Involves
12		128		communications between EA Sports and the NCAA regarding college football	confidential business
13				video games.	communications between the
14					NCAA and its
15					business partners.
	106	p. 61 n.	Confidential	Footnote from redacted text.	Substance of
16		136			redacted information can
17					be derived from
18	110	p. 62¶	Confidential	Reveals business-related	its footnotes. Involves
19	-	129		communications between EA Sports and	confidential
20				the NCAA regarding college football video games. Also reveals information	business communications
21				regarding the method by which EA Sports would make payments to	between the NCAA and its
22				student-athletes for their inclusion in	business
23				EA college football video games.	partners. Also contains
24					information
25					about sales and licensing
26					revenue that could be used to
					the detriment of
27					the NCAA in future
28					negotiations

1	Ex. 1 Entry	Page/Line	Confidentiality	Description	Reason for
2	Number		Level	-	Sealing
3 4					with its current and future business
					partners.
5	114	p. 62 n.	Confidential	Footnote from redacted text.	Substance of
6		140			redacted information can
7					be derived from its footnotes.
8	115	p. 62 n.	Confidential	Footnote from redacted text.	Substance of
9		141			redacted
					information can be derived from
10					its footnotes.
11	124	p. 64¶ 133	Confidential	Reveals business-related communications between EA Sports and	Involves confidential
12		155		the NCAA regarding men's college	business
13				basketball video games. Also reveals	communications
14				information provided by the buyer of Toys "R" Us about the impact to sales	between the NCAA and its
				caused by the addition of student-	business
15				athletes to college basketball video games.	partners. Also contains
16				games.	information
17					about sales and
18					licensing revenue that
19					could be used to the detriment of
					the NCAA in
20					future
21					negotiations with its current
22					and future
23					business partners.
24	125	p. 64¶	Confidential	Information developed by Plaintiffs'	This contains
		134		expert witness Daniel A. Rascher based on information provided to him by EA	information about sales and
25				Sports as to the economic impact of	licensing
26				lessened NIL restrictions on the market for college football video games.	revenue that could be used to
27				Tor conego rootouri video games.	the detriment of
28					the NCAA in future
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Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
				negotiations with its current and future business partners.
126	p. 64 n. 147	Confidential	Footnote from redacted text.	Substance of redacted information can be derived from its footnotes.
127	p. 64 n. 148	Confidential	Footnote from redacted text.	Substance of redacted information can be derived from its footnotes.
128	p. 64 n. 149	Confidential	Footnote from redacted text.	Substance of redacted information can be derived from its footnotes.
129	p. 64 n. 150	Confidential	Footnote from redacted text.	Substance of redacted information can be derived from its footnotes.
130	p. 65¶ 137	Confidential	Information regarding the method by which EA Sports would make payments to student-athletes for their inclusion in EA college football video games.	This contains information about the licensing of student-athletes that could be used to the detriment of the NCAA in future negotiations with its current and future business partners.
131	p. 65 n. 152	Confidential	Footnote from redacted text.	Substance of redacted information can be derived from

1					
2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3	132	p. 66¶ 137	Confidential	Information regarding the method by which EA Sports would make payments to student-athletes for their inclusion in	This contains information about the
4				EA college football video games.	licensing of
5					student-athletes that could be
6					used to the detriment of the
7					NCAA in future
8					negotiations with its current
9					and future
10					business partners.
11	134	p. 66 n.	Confidential	Footnote from redacted text.	Substance of
12		153			redacted information can
13					be derived from its footnotes.
14	150	p. 76¶	NSC	Reveals information contained in	Concerns a term
15		156		NCAA broadcast agreements.	of current, expired, and
16					future media,
					network, and/or broadcasting
17					contracts.
18	151	p. 77 ¶ 156	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current,
19		130		TVCTAA broadcast agreements.	expired, and
20					future media,
20					network, and/or broadcasting
21					contracts.
22	152	p. 77 n.	NSC	Footnote from redacted text.	Substance of
22		174			redacted
23					information can be derived from
24					its footnotes.
25	155	p. 78¶	Confidential	Information regarding the method by	This contains
		159		which EA Sports would make payments	information
26				to student-athletes for their inclusion in	about the
27				EA college football and basketball video games.	licensing of student-athletes
					that could be
28					used to the

2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					detriment of the
4					NCAA in future negotiations
					with its current
5					and future
6					business
<u>_</u>	158	p. 78 n.	Confidential	Information regarding the method by	partners. This contains
7	130	177	Confidential	which EA Sports would make payments	information
8				to student-athletes for their inclusion in	about the
9				EA college football video games.	licensing of
9					student-athletes
10					that could be used to the
11					detriment of the
11					NCAA in future
12					negotiations
13					with its current
13					and future
14					business partners.
15	181	p. 92 Ex.	NSC	Calculation of per-athlete damages by	Concerns a term
		10		Plaintiffs' expert witness Daniel A.	of current,
16				Rascher, based on NCAA actual	expired, and
17				revenue figures.	future media,
					network, and/or
18					broadcasting contracts.
19	182	p. 93 Ex.	NSC	Calculation of per-athlete damages by	Concerns a term
		11		Plaintiffs' expert witness Daniel A.	of current,
20				Rascher, based on NCAA actual	expired, and
21				revenue figures.	future media, network, and/or
22					broadcasting
22					contracts.
23	183	p. 94 Ex.	NSC	Calculation of per-athlete damages by	Concerns a term
24		12		Plaintiffs' expert witness Daniel A.	of current,
24				Rascher, based on NCAA actual	expired, and
25				revenue figures.	future media,
26					network, and/or broadcasting
20					contracts.
27	184, 185	p. 103 ¶	Highly	References sensitive member institution	References non-
28		197 & n.	Confidential -	financial data reported to the NCAA	public NCAA
20		230	Counsel Only	(MFRS data)	financial and

1	E- 1				
2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					MFRS information that
4					could be used to
5					the detriment of the NCAA
6					and/or its member
7					institutions in
8					future negotiations
9					with its current
10					and future business
	186	p. 107	Highly	Table listing non-public NCAA	partners. Contains non-
11	100	Ex. 16	Confidential -	Division I financial information for the	public NCAA
12			Counsel Only	period 2016-2021, including: (1) revenue; (2) contributions, and; (3)	financial information that
13				royalties, licensing, advertisement, and	could be used to the detriment of
14				sponsorships.	the NCAA in
15					future negotiations
16					with its current
17					and future business
18	187	p. 108	Highly	Table listing non-public NCAA	partners. Contains non-
19	107	Ex. 17	Confidential -	Division I financial information for the	public NCAA
20			Counsel Only	period 2016-2021, including: (1) revenue; (2) contributions, and; (3)	financial information that
21				royalties, licensing, advertisement, and sponsorships.	could be used to the detriment of
22				sponsorsinps.	the NCAA in
23					future negotiations
24					with its current
25					and future business
26	193	Appx Ex.	NSC	Calculation of ACC per-athlete damages	partners. Concerns a term
		C.4	1,50	by Plaintiffs' expert witness Daniel A.	of current,
27				Rascher, based on NCAA actual revenue figures.	expired, and future media,
28				j j	network, and/or

1	F- 1				
2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					broadcasting contracts.
5 6 7 8	194	Appx Ex. C.5	NSC	Calculation of Big Ten per-athlete damages by Plaintiffs' expert witness Daniel A. Rascher, based on NCAA actual revenue figures.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
9 10 11 12	195	Appx Ex. C.6	NSC	Calculation of Big 12 per-athlete damages by Plaintiffs' expert witness Daniel A. Rascher, based on NCAA actual revenue figures.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
13 14 15 16	196	Appx Ex. C.7	NSC	Calculation of Pac-12 per-athlete damages by Plaintiffs' expert witness Daniel A. Rascher, based on NCAA actual revenue figures.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
17 18 19 20	197	Appx Ex. C.8	NSC	Calculation of SEC per-athlete damages by Plaintiffs' expert witness Daniel A. Rascher, based on NCAA actual revenue figures.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
2122232425262728	198	Appx E ¶ 258 & n. 264	Highly Confidential - Counsel Only	References sensitive member institution financial data reported to the NCAA (MFRS data)	References non-public NCAA financial and MFRS information that could be used to the detriment of the NCAA and/or its member institutions in future negotiations with its current

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3 4	Number				and future business partners.
5 6 7 8 9 10 11	200	Appx E¶ 261	Highly Confidential - Counsel Only	Method for calculation of SEC perathlete damages by Plaintiffs' expert witness Daniel A. Rascher, based on NCAA actual revenue figures contained in NCAA MFRS (Membership Financial Reporting System) system.	Method can be used to determine NCAA financial information that could be used to the detriment of the NCAA in future negotiations with its current and future business partners.
13 14 15	201	Appx E n. 267	Highly Confidential - Counsel Only	Footnote from redacted text.	Substance of redacted information can be derived from its footnotes.
116 117 118 119 120 121 122 122 123 124 125 125 136 137	202	Appx E n. 272	Highly Confidential - Counsel Only	References sensitive member institution financial data reported to the NCAA (MFRS data)	References non-public NCAA financial and MFRS information that could be used to the detriment of the NCAA and/or its member institutions in future negotiations with its current and future business partners.
26 27 28	203	Appx E ¶ 263	Highly Confidential - Counsel Only	Method for calculation of SEC perathlete damages by Plaintiffs' expert witness Daniel A. Rascher, based on NCAA actual revenue figures contained in NCAA MFRS system.	Method can be used to determine NCAA financial information that could be used to

Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
				the detriment of the NCAA in
				future
				negotiations with its current
				and future
				business
204	Appx E n.	Highly	Footnote from redacted text.	partners. Substance of
201	273	Confidential -	Toomste Hom reducted texts	redacted
		Counsel Only		information car
				be derived from its footnotes.
				its footheres.
		Des	ser Report ECF 209-3	
215	p. 25 Sec.	NSC	Reveals information contained in	Concerns a terr
	6.7		NCAA broadcast agreements.	of current,
				expired, and future media,
				network, and/o
				broadcasting
218	p. 26 Sec.	NSC	Reveals information contained in	contracts. Concerns a terr
210	6.7	NSC	NCAA broadcast agreements.	of current,
				expired, and
				future media,
				network, and/or broadcasting
				contracts.
219	p. 26 n.	NSC	Reveals information contained in	Concerns a terr
	32		NCAA broadcast agreements.	of current, expired, and
				future media,
				network, and/o
				broadcasting contracts.
221	p. 27 Sec.	NSC	Reveals information contained in	Concerns a terr
	6.7		NCAA broadcast agreements.	of current,
				expired, and
				future media, network, and/or
				broadcasting
				contracts.

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
345	236	p. 48 Sec. 10.3	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current, expired, and future media, network, and/or
6					broadcasting contracts.
7 8 9 10	237	p. 48 Sec. 10.4	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
11 12 13 14	238	p. 48 n. 54	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
15 16 17 18	240	p. 48 n. 56	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
20			De	f Joint Opp ECF 249	
21 22 23 24	270	p. 15:10	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
2526			Tucker l	Report ECF 251-1 (254-01)	
27 28	334	p. 33 ¶ 43	Confidential	Includes non-public NCAA enrollment transfer statistics for the period 2019-2022.	Contains non- public NCAA enrollment

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					information that could be used to
4					the detriment of the NCAA in
5					future negotiations
6					with its current and future
7					business
8	336	p. 33	Confidential	Table listing non-public NCAA	partners. Contains non-
10		(Table 1)		enrollment transfer statistics for the period 2019-2022.	public NCAA enrollment
11					information that could be used to
12					the detriment of the NCAA in
13					future
14					negotiations with its current
15					and future business
16	342	p. 54 ¶ 63	Confidential	Includes non-public NCAA enrollment	partners. Contains non-
17	0.2	Pro : II oo		transfer statistics for student-athletes	public NCAA enrollment
18				transferring between A5 and non-A5 schools for the period 2019-2022.	information that
19					could be used to the detriment of
20					the NCAA in future
21					negotiations with its current
22					and future business
23					partners.
24	343	p. 55 (Fig. 3)	Confidential	Table listing non-public NCAA enrollment transfer statistics for student-	Contains non- public NCAA
25				athletes transferring between A5 and non-A5 schools for the period 2019-	enrollment information that
26				2022.	could be used to the detriment of
27					the NCAA in
28					future negotiations

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3 4					with its current and future business partners.
5	345	p. 61 ¶ 69	Confidential	Includes non-public NCAA enrollment	Contains non-
6				transfer statistics comparing the 2019- 2020 period with the 2022-2023 period	public NCAA enrollment
7				for purposes of evaluating the effect of	information that
8				the enactment of the Interim NIL Policy.	could be used to the detriment of
9					the NCAA in future
10					negotiations with its current
11					and future business
12					partners.
13	346	p. 62 (Fig. 4)	Confidential	Table listing non-public NCAA enrollment transfer statistics comparing	Contains non- public NCAA
14		(115.1)		the 2019-2020 period with the 2022-	enrollment
15				2023 period for purposes of evaluating the effect of the enactment of the	information that could be used to
16				Interim NIL Policy.	the detriment of
					the NCAA in future
17					negotiations with its current
18					and future
19					business partners.
20	348	p. 67	Confidential	Table listing non-public NCAA	Contains non-
21		(Table 5)		information related to the number of student-athletes reporting NIL deals.	public NCAA confidential and
22				student-atmetes reporting IVIE deals.	proprietary
23					information that could be used to
					the detriment of
24					the NCAA in future
25					negotiations
26					with its current and future
27					business
28					partners.

1 2	Ex. 1 Entry	Page/Line	Confidentiality Level	Description	Reason for Sealing
3	Number 349	p. 67 n.153	Confidential	Footnote from redacted text.	Substance of redacted
5					information can be derived from its footnotes.
6 7	350	p. 68 Notes	Confidential	Notes for redacted text.	Substance of redacted information can be derived from
8					its Notes.
9	351	p. 68 ¶ 76	Confidential	Includes non-public NCAA information comparing the value of NIL deals by	Contains non- public NCAA
10				student-athletes at A5 schools with student-athletes at non-A5 schools for	confidential and proprietary
11				the period July 2021 to September 2022.	information that could be used to
12					the detriment of the NCAA in
13					future
14					negotiations with its current
15					and future business
16	352	p. 68	Confidential	Table listing non-public NCAA	partners. Contains non-
17	332	(Table 6)	Communication	information comparing the value of NIL deals of student-athletes at A5 schools	public NCAA confidential and
18				with student-athletes at non-A5 schools	proprietary
19				for the period July 2021 to September 2022.	information that could be used to
20					the detriment of the NCAA in
21					future negotiations
22					with its current
2324					and future business
	353	p. 68	Confidential	Footnote from redacted text.	partners. Substance of
25		n.154			redacted information can
2627					be derived from its footnotes.

1					
1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3	355	p. 71 (Table 7)	Highly Confidential -	Table listing non-public full-scholarship availability information for student-	Contains non- public NCAA
4			Counsel Only	athletes at A5 schools for the period 2016 to 2021.	confidential and proprietary
5					information that could be used to
6 7					the detriment of the NCAA in
8					future negotiations
9					with its current
10					and future business
11	371	p. 115	Confidential	Table listing SAF distribution to full-	partners. Contains non-
12		(Fig. 7)		scholarship football student-athletes at select A5 schools for the period 2015 to	public NCAA financial
13				2016.	information that could be used to
14					the detriment of the NCAA in
15					future
16					negotiations with its current
17					and future business
18	272	116	C (*1 .: 1	T.11.1: 4: 41 CC.11	partners.
19	373	p. 116 (Fig. 8)	Confidential	Table listing the percentage of full-scholarship football student-athletes	Contains non- public NCAA
20				receiving SAF assistance at select A5 schools for the period 2015 to 2016.	financial information that
21					could be used to the detriment of
22					the NCAA in future
23					negotiations
24					with its current and future
25					business partners.
26	374	p. 117¶ 129	Confidential	Contains information regarding both the percentage of full-scholarship football	Contains non- public NCAA
27				student-athletes receiving SAF	financial
28				assistance at select A5 schools and the dollar amounts of that assistance.	information that could be used to

Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
				the detriment of the NCAA in
				future negotiations
				with its current and future
				business partners.
376	p. 117¶ 130	Confidential	Contains information regarding the distribution of SAF assistance by school	Contains confidential and
	130		and by sport at select A5 schools.	proprietary
				NCAA financial information that
				could be used to the detriment of
				the NCAA in future
				negotiations
				with its current and future
				business partners.
378	p. 118 (Fig. 9)	Confidential	Table listing the distribution of SAF assistance by school and by sport at	Contains confidential and
	(118.7)		select A5 schools.	proprietary NCAA financial
				information that
				could be used to the detriment of
				the NCAA in future
				negotiations with its current
				and future
				business partners.
380	p. 120 (Fig. 10)	Confidential	Table listing the percentage of total revenue attributed to football, men's	Contains non- public NCAA
	(6 - 1)		basketball, and women's basketball at ACC schools for the period 2016 to	financial information that
			2021.	could be used to
				the detriment of the NCAA in
				future negotiations

1 Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3 4				with its current and future business
5 381	p. 121	Confidential	Contains non-public NCAA financial	partners. Contains non-
6	Note		and MFRS information.	public NCAA
7				financial and MFRS
				information that
8				could be used to the detriment of
9				the NCAA in
10				future negotiations
11				with its current
				and future
12				business partners.
13 382	p. 121 ¶	Confidential	Includes percentage and rankings of	Contains non-
14	135		total revenue attributed to select ACC	public NCAA financial
15			schools.	information that
				could be used to
16				the detriment of the NCAA in
17				future
18				negotiations
19				with its current and future
				business
20		~ 71		partners.
21 383	p. 121 n.303	Confidential	Footnote from redacted text.	Substance of redacted
22	11.505			information can
				be derived from
23 384	p. 121	Confidential	Footnote from redacted text.	its footnotes. Substance of
24	n.304	Communitian	1 comote from redacted text.	redacted
25				information can
				be derived from its footnotes.
26 385	p. 121	Confidential	Footnote from redacted text.	Substance of
27	n.305			redacted
28				information can

Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
				be derived from its footnotes.
396	p. 137 n.347	Highly Confidential - Counsel Only	References sensitive member institution financial data reported to the NCAA (MFRS data)	References nor public NCAA financial and MFRS information the could be used to the detriment of the NCAA and/or its member institutions in future negotiations with its current and future business partners.
399	p. 139 (Table 9)	Confidential	Table listing the percentage of total revenue that would be attributed to football, men's basketball, and women's basketball at A5 schools for the period 2016 to 2021 using the Rascher Report's Methodology.	Contains non-public NCAA financial information the could be used the detriment of the NCAA in future negotiations with its current and future business partners.
400	p. 139 n.349	Confidential	Footnote from redacted text.	Substance of redacted information ca be derived from its footnotes.
403	p. 144 n.363	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a terror of current, expired, and future media, network, and/o broadcasting contracts.

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2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3	409	p. 151-52 ¶ 168 (a)	NSC and Highly Confidential	Reveals number of eligible class members using MFRS data. Coupled	Method can be used to
4		& n. 386	Counsel Only	with other public information in the	determine
5			Information	pleadings, this number would allow the calculation of the amount of media	NCAA financial information that
6				rights contracts	could be used to
7					the detriment of the NCAA and
8					the Autonomy 5 Conferences in
9					future
					negotiations with its current
10					and future
11					business partners.
12	424	p. 181¶ 218	Highly Confidential -	Contains information about student- athlete NIL deals and their connection	Contains confidential and
13		210	Counsel Only	to social media.	proprietary
14					NCAA information that
15					could be used to
16					the detriment of the NCAA in
17					future negotiations
18					with its current
19					and future business
					partners.
	425	1			Contains confidential and
			Counsel Only	to social media.	proprietary
22					information that
23					could be used to
24					the NCAA in
25					future negotiations
26					with its current
27					and future business
					partners.
 20 21 22 23 24 25 26 	425	p. 181 n.472	Highly Confidential - Counsel Only	Contains information about student-athlete NIL deals and their connection to social media.	partners. Contains confidential ar proprietary NCAA information th could be used the detriment of the NCAA in future negotiations with its curren and future business

1					
2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3	426	p. 182 (Table	Highly Confidential -	Table listing the types of third-party NIL transactions by student-athletes.	Contains confidential and
5		11)	Counsel Only		proprietary NCAA
6					information that could be used to
7					the detriment of the NCAA in
8					future negotiations
9					with its current and future
10					business partners.
11	427	p. 182	Highly	Footnote from redacted text.	Substance of
12		n.473	Confidential - Counsel Only		redacted information can
13					be derived from its footnotes.
14	444	p. 201	Highly	Table listing the total revenue for A5	Contains non-
15		(Table 13)	Confidential - Counsel Only	schools for the period 2016 to 2021 and the amount of that revenue if calculated	public NCAA financial
16				using the Rascher Report's Methodology, with a focus on the effect	information that could be used to
17				of the COVID-19 pandemic.	the detriment of
18					the NCAA in future
19					negotiations with its current
					and future
20					business partners.
21	445	p. 201	Highly	Footnote from redacted text.	Substance of
22		n.530	Counsel Only		redacted information can
23			Counsel Only		be derived from
24	116	202.5	77' 11		its footnotes.
	446	p. 202¶ 243	Highly Confidential -	Includes percentage comparisons of total revenue for A5 schools for the	Contains non- public NCAA
25			Counsel Only	period 2016 to 2021 to the amount of	financial
26				that revenue if calculated using the Rascher Report's Methodology, with a	information that could be used to
27				focus on the effect of the COVID-19	the detriment of
28				pandemic.	the NCAA in future
					TULUIC

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					negotiations with its current
4					and future business
5	1.7.6	2015	*** 11		partners.
6	456	p. 204¶ 245	Highly Confidential -	Contains statistics about NIL- transaction data and relationships with	Contains non- public NCAA
7			Counsel Only	social media, with a focus on the effect	financial
8				of the COVID-19 pandemic.	information that could be used to
9					the detriment of the NCAA in
10					future
11					negotiations with its current
12					and future business
13					partners.
	460	p. 207 Notes	Highly Confidential -	Contains non-public NCAA financial and MFRS information.	Contains non- public NCAA
14		110105	Counsel Only	and Wil Ko information.	financial and
15					MFRS information that
16					could be used to
17					the detriment of the NCAA in
18					future
19					negotiations with its current
20					and future
					business partners.
21	461	p. 207	Highly	Contains non-public NCAA financial	Contains non-
22		n.547	Confidential - Counsel Only	and MFRS information.	public NCAA financial and
23					MFRS
24					information that could be used to
25					the detriment of
26					the NCAA in future
27					negotiations with its current
28					and future

1					
2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					business partners.
4					1
5	462	p. 209 Notes	Highly Confidential -	Contains non-public NCAA financial information about the value of third-	Contains non- public NCAA
6		110103	Counsel Only	party NIL deals by student-athletes.	financial
7					information that could be used to
8					the detriment of the NCAA in
9					future
10					negotiations with its current
11					and future business
12					partners.
13	474	p. 218¶ 257	Highly Confidential -	Contains non-public NCAA financial information about the value of third-	Contains non- public NCAA
			Counsel Only	party NIL deals by student-athletes.	financial information that
14					could be used to
15					the detriment of the NCAA in
16					future
17					negotiations with its current
18					and future business
19					partners.
20	477	p. 218 n.575	Highly Confidential -	Footnote from redacted text.	Substance of redacted
21			Counsel Only		information can
22					be derived from its footnotes.
23	483	p. 219¶ 259	Highly Confidential -	Contains non-public NCAA financial information about the value of third-	Contains non- public NCAA
24			Connuction - Counsel Only	party NIL deals by student-athletes.	financial
25					information that could be used to
26					the detriment of
					the NCAA in future
27					negotiations with its current
28					and future

Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
				business partners.
488	p. 220 (Table 15)	Highly Confidential - Counsel Only	Table listing non-public NCAA information comparing the value of inkind or non-monetary NIL deals of student-athletes at A5 schools with student-athletes at non-A5 schools.	Contains non-public NCAA confidential and proprietary information that could be used to the detriment of the NCAA in future negotiations with its current and future business partners.
492	p. 220 n.582	Highly Confidential - Counsel Only	Footnote from redacted text.	Substance of redacted information can be derived from its footnotes.
499	p. 224 n.593	none	Citation that alone reveals no confidential information.	None.
508	p. 226¶ 265	Highly Confidential - Counsel Only	Contains information about the percentage of student-athletes who report only one third-party NIL deal.	Contains non-public NCAA confidential and proprietary information that could be used to the detriment of the NCAA in future negotiations with its current and future business partners.
512	p. 227 (Table 16)	Highly Confidential - Counsel Only	Table containing information about the number and percentage of student-athletes who report one or more third-party NIL deal, grouped by the number of third-party NIL deals reported.	Contains non-public NCAA confidential and proprietary information that

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					could be used to the detriment of
5					the NCAA in future
6					negotiations with its current
7					and future business
8	513	p. 227	Highly	Footnote from redacted text.	partners. Substance of
9		n.603	Confidential - Counsel Only		redacted information can
10					be derived from its footnotes.
11	514	p. 238¶ 280 (b)	Highly Confidential -	Reveals business-related communications between EA Sports and	Involves confidential
12			Counsel Only	the NCAA regarding college basketball video games.	business communications
13				video games.	between the NCAA and its
14					business
15	516	p. 238-39	Highly	Reveals business-related	partners. Involves
16		n.654	Confidential - Counsel Only	communications between EA Sports and the NCAA regarding college basketball	confidential business
17			Counsel only	video games.	communications between the
18					NCAA and its
19					business partners.
20	518	p. 239-40 ¶ 282	Confidential	Reveals business-related communications between EA Sports and	Involves confidential
21		202		the NCAA regarding college basketball	business
22				video games.	communications between the
23					NCAA and its business
24	519	p. 239	Confidential	Reveals business-related	partners. Involves
25	J17	n.656	Companitial	communications between EA Sports and	confidential
26				the NCAA regarding college basketball video games.	business communications
27					between the NCAA and its
28		<u> </u>		1	110111 and Its

Ex. 1 Entry	Page/Line	Confidentiality Level	Description	Reason for
Number		Level	1	Sealing
				business partners.
520	p. 239-40	Confidential	Reveals business-related	Involves
	n.657		communications between EA Sports and the NCAA regarding college basketball	confidential business
			video games.	communications
			video games.	between the
				NCAA and its
				business
				partners.
521	p. 240¶	Confidential	Reveals business-related	Involves
	282		communications between EA Sports and	confidential
			the NCAA regarding college basketball	business
			video games.	communications
				between the
				NCAA and its business
				partners.
522	p. 240	Confidential	Reveals business-related	Involves
<i>522</i>	n.658	Communication	communications between EA Sports and	confidential
			the NCAA regarding college football	business
			and basketball video games.	communications
			_	between the
				NCAA and its
				business
	2.10			partners.
524	p. 240	Confidential	Contains non-public NCAA financial	Contains non-
	n.661		information about the estimated value of retail sales for trading cards, video	public NCAA financial
			games, and	information that
			jerseys.	could be used to
			Jersey s.	the detriment of
				the NCAA in
				future
				negotiations
				with its current
				and future
				business
525	240	C £. 1 1	Donald basis and to 1	partners.
525	p. 240	Confidential	Reveals business-related	Involves
	n.662		communications between EA Sports and the NCAA regarding college basketball	confidential business
			video games.	communications
			video guilles.	between the

Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3 4				NCAA and its business partners.
5 527	p. 241 n.663	Highly Confidential -	Reveals business-related communications between EA Sports and	Involves confidential
6		Counsel Only	the NCAA regarding college football video games.	business communications
7			video games.	between the NCAA and its
8				business partners.
9 530	p. 244¶ 290 &	Highly Confidential -	Contains non-public NCAA financial and MFRS information regarding the	Contains non- public NCAA
10 11	n.669	Connuction - Counsel Only	comparison of projected annual	financial and
12			revenues and expenses for a select Big Ten school if it was required to make	MFRS information that
13			broadcast-revenue payments to student- athletes.	could be used to the detriment of
14				the NCAA in future
15				negotiations with its current
16				and future business
532	p. 245	Highly	Table listing non-public NCAA	partners. Contains non-
18	(Table	Confidential -	financial and MFRS information	public NCAA
19	17)	Counsel Only	regarding the comparison of projected annual revenues and expenses by sport	financial and MFRS
20			for a select Big Ten school if it was required to make broadcast-revenue	information that could be used to
21			payments to student-athletes.	the detriment of the NCAA in
22				future negotiations
23				with its current and future
24				business
533	p. 245	Highly	Footnote from redacted text.	partners. Substance of
26	n.670	Confidential - Counsel Only		redacted information can
27				be derived from its footnotes.
28			<u> </u>	163 1000110105.

1	F 1				
2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3	534	p. 246 Notes	Highly Confidential -	Method for calculation of revenue and expenses by Plaintiffs' expert witness	Method can be used to
4			Counsel Only	Daniel A. Rascher, based on NCAA revenue figures contained in NCAA	determine NCAA financial
5				MFRS system.	information that
6					could be used to the detriment of
7					the NCAA in future
8					negotiations
9					with its current and future
10					business partners.
11	535	p. 246¶	Highly	Contains non-public NCAA financial	Contains non-
12		291	Confidential - Counsel Only	information about the projected annual revenues and expenses - and the	public NCAA financial
13			•	decisions it would make if expenses exceeded revenues - for a select Big Ten	information that could be used to
14				school if it was required to make	the detriment of
15				broadcast-revenue payments to student- athletes.	the NCAA in future
16					negotiations with its current
17					and future
18					business partners.
19	536	p. 249-50 ¶ 296 (a)	Highly Confidential -	Uses non-public NCAA financial and MFRS information to illustrate the	Contains non- public NCAA
20		230 (a)	Counsel Only	Rascher Report's use of a school-	financial and
				specific multisport revenue allocation factor.	MFRS information that
21					could be used to the detriment of
22					the NCAA in
23					future negotiations
24					with its current and future
25					business
26	537	p. 250¶	Highly	Uses non-public NCAA financial and	partners. Contains non-
27		296 (b)	Confidential -	MFRS information to illustrate the	public NCAA
28			Counsel Only	Rascher Report's use of a school-	financial and MFRS

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3				specific multisport revenue allocation factor.	information that could be used to
4					the detriment of the NCAA in
5					future negotiations
6					with its current
7					and future business
8	538	p. 250¶	Highly	Uses non-public NCAA financial and	partners. Contains non-
9	220	296 (c)	Confidential -	MFRS information to illustrate the	public NCAA
10			Counsel Only	Rascher Report's use of a school- specific multisport revenue allocation	financial and MFRS
11				factor.	information that could be used to
12					the detriment of the NCAA in
13					future
14					negotiations with its current
15					and future business
16	539, 540	p. 251	Highly	Table listing non-public NCAA	partners. Contains non-
17	339, 340	(Fig. 16)	Confidential -	financial and MFRS information	public NCAA
18		& n.679	Counsel Only	regarding the portion of total revenues attributed to football, men's basketball,	financial and MFRS
19				and women's basketball at select A5 schools for the period 2016-2021.	information that could be used to
20				2010 201 310 p 1110 2010 2021	the detriment of the NCAA in
21					future
22					negotiations with its current
23					and future business
24	542	n 252 ¶	Confidential	Contains non public NCAA financial	partners.
25	542	p. 252 ¶ 300	Comidential	Contains non-public NCAA financial information about the percentage of	Contains non- public NCAA
26				student-athletes who failed to report a third-party NIL deal after July 1, 2021.	financial information that
27				, ,	could be used to the detriment of
28					the NCAA in

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					future negotiations with its current
5					and future business partners.
6 7 8	544	p. 252 n.682	Confidential	Footnote from redacted text.	Substance of redacted information can be derived from its footnotes.
9 10	548	p. 255 n.689	none	Citation that alone reveals no confidential information.	None.
11 12			Thompsor	n Report ECF 251-2 (254-02)	
13 14	549	p. 8 n.23	none	Citation that alone reveals no confidential information.	None.
15 16 17 18	550	p. 8 n.24	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
19 20 21 22	554	p. 9-10	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current, expired, and future media, network, and/or broadcasting contracts.
23242536	556	p. 10	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current, expired, and future media, network, and/or broadcasting
262728	575, 576	p. 13 & n.41	NSC	Reveals information contained in NCAA broadcast agreements.	contracts. Concerns a term of current, expired, and

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3 4					future media, network, and/or broadcasting contracts.
5	577	p. 14	NSC	Reveals information contained in	Concerns a term
6				NCAA broadcast agreements.	of current, expired, and
7					future media,
8					network, and/or broadcasting
9	580	p. 14 n.42	NSC	Reveals information contained in	contracts. Concerns a term
10				NCAA broadcast agreements.	of current,
11					expired, and future media,
12					network, and/or
					broadcasting contracts.
13	584	p. 15 n.48	NSC	Reveals information contained in	Concerns a term
14				NCAA broadcast agreements.	of current, expired, and
15					future media,
16					network, and/or broadcasting
17					contracts.
	591	p. 17	NSC	Reveals information contained in	Concerns a term
18				NCAA broadcast agreements.	of current, expired, and
19					future media,
20					network, and/or broadcasting
21					contracts.
22	593	p. 17 n.55	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current,
				Treath a broadcast agreements.	expired, and
23					future media, network, and/or
24					broadcasting
25	504	17 56	NCC	D 1:6 (: 1:	contracts.
26	594	p. 17 n.56	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current,
27					expired, and
					future media, network, and/or
28		<u> </u>		<u> </u>	notwork, and or

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					broadcasting
4					contracts.
5	614	p. 24	NSC	Reveals information contained in NCAA broadcast agreements.	Concerns a term of current,
6					expired, and future media,
7					network, and/or
8					broadcasting contracts.
9			Raschar	Depo ECF 251-7 (254-05)	
10			Kascher	Depo ECT 231-7 (234-03)	
11	710	p. 140:16-	Highly Confidential -	Uses non-public MFRS information to illustrate the Rascher Report's	Contains non- public MFRS
12		141:13	Counsel Only	methodology for allocating revenue	information that
13				among football, men's basketball, and women's basketball.	could be used to the detriment of
				women s cashetean.	the NCAA in
14					future negotiations
15					with its current
16					and future business
17	711	1.40.0	TT' 11	III MEDG : C	partners.
18	711	p. 142:8- 143:18	Highly Confidential -	Uses non-public MFRS information to determine the allocation of revenue	Contains non- public MFRS
19			Counsel Only	among football, men's basketball, and women's basketball using the allocation	information that could be used to
20				methodology described in the Rascher	the detriment of
21				Report.	the NCAA in future
22					negotiations with its current
23					and future
24					business partners.
	712	p. 144:2-	Highly	Uses non-public MFRS information to	Contains non-
25		22	Confidential - Counsel Only	determine the allocation of revenue among football, men's basketball, and	public MFRS information that
26			J	women's basketball using the allocation	could be used to
27				methodology described in the Rascher Report.	the detriment of the NCAA in
28					future

Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
				negotiations with its current and future business partners.
713	p. 145:24- 146:6	Highly Confidential - Counsel Only	Uses non-public MFRS information to determine the allocation of revenue among football, men's basketball, and women's basketball using the allocation methodology described in the Rascher Report.	Contains non-public MFRS information that could be used to the detriment of the NCAA in future negotiations with its current and future business partners.
715	p. 147:22- 148:6	Highly Confidential - Counsel Only	Uses non-public MFRS information to determine the allocation of revenue among football, men's basketball, and women's basketball using the allocation methodology described in the Rascher Report.	Contains non-public MFRS information that could be used to the detriment of the NCAA in future negotiations with its current and future business partners.
716	p. 149:1- 150:12	Highly Confidential - Counsel Only	Uses non-public MFRS information to determine the allocation of revenue among football, men's basketball, and women's basketball using the allocation methodology described in the Rascher Report to illustrate its application to select schools in the ACC.	Contains non-public MFRS information that could be used to the detriment of the NCAA in future negotiations with its current and future business partners.
720	p. 183:14- 21	Highly Confidential - Counsel Only	Includes mention of MFRS data to estimate the number of student-athletes on full scholarships.	References non- public MFRS information that could be used to

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3					the detriment of the NCAA in
4					future
5					negotiations with its current
6					and future
7	721	p. 184:1-	Highly	Includes mention of MFRS data to	business partners References non-
8		3	Confidential - Counsel Only	estimate the number of student-athletes on full scholarships.	public MFRS information that
9			Counsel Omy	on run senoursmps.	could be used to
10					the detriment of the NCAA in
					future negotiations
11					with its current
12					and future business partners
13					
14			Plai	ntiffs' Reply ECF 289	
15	754	p. 11:3-6	Confidential	Reveals business-related communications between EA Sports and	Involves confidential
16				the NCAA regarding college football	business
17				and basketball video games.	communications between the
18					NCAA and its
19					business partners.
20			Rascher	· Reply Report ECF 290-2	
21					
22	798	p. 22¶36	Confidential	Information developed by Plaintiffs' expert witness Daniel A. Rascher using	Contains non- public NCAA
23				non-public financial information	financial information that
24				provided by the NCAA regarding the financial impact to the NCAA of paying	could be used to
25				BNIL to student-athletes.	the detriment of the NCAA in
26					future
27					negotiations with its current
21					and future

28

1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3 4					business partners.
5 6 7 8 9 10	799	p. 23 ¶ 38	Confidential	Contains non-public NCAA financial and MFRS information.	Contains non-public NCAA financial and MFRS information that could be used to the detriment of the NCAA in future negotiations with its current and future business
12 13 14 15 16 17 18 19 20	800	p.23 n. 58	Confidential	Contains non-public NCAA financial and MFRS information.	partners. Contains non-public NCAA financial and MFRS information that could be used to the detriment of the NCAA in future negotiations with its current and future business partners.
21 22 23 24 25	804	p. 32 n. 83	Confidential	Reveals business-related communications between EA Sports and the NCAA regarding college football and basketball video games.	Involves confidential business communications between the NCAA and its business partners.
26 27 28	814	p. 42 ¶ 74	Confidential	Reveals business-related communications between EA Sports and the NCAA regarding men's college basketball video games. Also reveals information provided by CLC and by the buyer of Toys "R" Us about the	Involves confidential business communications between the NCAA and its

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1	Ex. 1	Page/Line	Confidentiality	Description	Reason for
2	Entry Number	rage/Line	Level	Description	Sealing
3				impact to sales caused by the addition of	business
4				student-athletes to college basketball video games.	partners. Also contains
5				9	information
3					about sales and licensing
6					revenue that
7					could be used to
8					the detriment of the NCAA in
9					future
					negotiations with its current
10					and future
11					business
12	823	p. 59¶	Confidential	Contains non-public NCAA financial	partners. Contains non-
13		107		and MFRS information.	public NCAA
					financial and MFRS
14					information that
15					could be used to
16					the detriment of the NCAA in
17					future
					negotiations with its current
18					and future
19					business
20	824	p. 59¶	Confidential	Contains non-public NCAA financial	partners. Contains non-
21	021	108	Communition	and MFRS information.	public NCAA
					financial and MFRS
22					information that
23					could be used to
24					the detriment of the NCAA in
25					future
					negotiations
26					with its current and future
27					business
28					partners.

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1 2	Ex. 1 Entry Number	Page/Line	Confidentiality Level	Description	Reason for Sealing
3	825	p. 84-85	Highly	Information developed by Plaintiffs'	Contains non-
		n.217	Confidential -	expert witness Daniel A. Rascher based	public squad list
4			Counsel Only	on information provided to him in	data reported
5				Alston.discussing highly confidential	confidentially to
5				counsel only information related to	the NCAA and
6				institution squad list data from NCAA- produced documents	which could be used to the
7				produced documents	detriment of the
/					NCAA and its
8					member
					institutions.
9					